

# City of Ann Arbor

301 E. Huron Street  
Ann Arbor, MI 48104  
<http://a2gov.legistar.com/Calendar.aspx>



## Meeting Minutes

Monday, February 4, 2013

7:00 PM

City Hall, 301 E. Huron Street, Council Chamber, 2nd Floor  
City Council meets in caucus the Sunday prior to each regular  
session at 7 p.m. in the Council Chamber.

**City Council**

**CALL TO ORDER**

*Mayor Hieftje called the meeting to order at 7:10 p.m. in the Guy C. Larcom, Jr. Building, 2nd Floor Council Chambers, 301 E. Huron St.*

**MOMENT OF SILENCE**

*Council stood for a moment of silence.*

**PLEDGE OF ALLEGIANCE**

*Mayor Hieftje led Council in the recitation of the Pledge of Allegiance.*

**ROLL CALL OF COUNCIL**

**Present:** 11 - Mayor John Hieftje, Councilmember Stephen Kunselman, Councilmember Marcia Higgins, Councilmember Margie Teall, Councilmember Mike Anglin, Councilmember Sabra Briere, Councilmember Christopher Taylor, Councilmember Jane Lumm, Councilmember Sumi Kailasapathy, Councilmember Sally Petersen and Councilmember Chuck Warpehoski

**APPROVAL OF AGENDA**

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Taylor, that the Agenda be Approved as presented. On a voice vote, the Mayor declared the motion carried.**

**INT INTRODUCTIONS****PUBLIC COMMENTARY - RESERVED TIME (3 MINUTES PER SPEAKER)**

**\* (SPEAKERS ARE NOT PERMITTED TO GRANT THEIR RESERVED TIME TO AN ALTERNATE SPEAKER)**

**\* ACCOMMODATIONS CAN BE MADE FOR PERSONS NEEDING ASSISTANCE WHILE ADDRESSING COUNCIL**

- 1. Thomas Partridge - Empower the disenfranchised residents of Michigan. Give a voice to unions, to the disabled and to seniors. Fund and enact affordable transportation and housing. Recall Ann Arbor Mayor Hieftje and Governor Snyder.**

*Thomas Partridge, Ann Arbor resident, addressed Council regarding empowering the disenfranchised residents of Michigan; giving a voice to unions, to the disabled and to seniors; funding and enacting affordable transportation and housing; and the recall of Ann Arbor Mayor Hieftje and Governor Snyder.*

- 2. Henry Herskovitz - Response to Communications from Council**

*Henry Herskovitz, City resident, responded to comments made by Councilmember Warpehoski regarding the protest of synagogues by pro-Palestinian demonstrators. He objected to Councilmember Warpehoski's criticisms, stating that the demonstrations are peaceful.*

**3. Blaine Coleman - Boycott Israel**

*Blaine Coleman, City resident, urged Councilmember Warpehoski to retract his comments regarding the protests and divestment from Israel.*

**4. Kermit Schlansker - A Show Place**

*Kermit Schlansker, City resident, urged Council to consider alternative energy sources.*

**5. Mozhgan Savabieasfahani - Boycott Israel**

*Mozhgan Savabieasfahani, City resident, urged Council and the public to boycott Israel.*

**6. Alan Haber - Library Lot - Experiments and Development**

*Alan Haber, City resident, provided Council with a list of ideas for the redevelopment of the library lot. He urged Council to consider the public's opinion and to use the spot for open space.*

**COMMUNICATIONS FROM COUNCIL****COUNCILMEMBER BRIERE**

*Councilmember Briere expressed concern with public speakers and other members of the community singling out individual members of Council with matters that are not Council business. She stated with regard to Palestine and the divestment from Israel, the City of Ann Arbor does not send money to Israel and this is not a local issue.*

**COUNCILMEMBER HIGGINS**

*Councilmember Higgins updated Council on the Budget Committee. She stated they have begun working on the budget reviews and the first budget Working Session would be February 11 at 6:00 p.m. She stated the February 11 Work Session will include updates from Affordable Housing, 15th District Court and then the proposed CIP budget. Councilmember Higgins stated Monday, February 25 will also be a budget Work Session, focusing on departmental budget impact sheets and Council priorities. The 2nd and 4th Mondays in March are also reserved for budget working sessions and all sessions will begin at 6:00 p.m.*

**COUNCILMEMBER KUNSELMAN**

*Councilmember Kunselman updated Council on his plans to bring forward amendments to the DDA ordinance. He expressed concern with the current TIF annual report provided by the DDA.*

*Councilmember Kunselman stated that he believes Council should sell the old YMCA lot. He stated he will be presenting Council with a resolution to sell the property, noting that he did not feel like the Connecting William Street project provided a viable solution.*

*Councilmember Kunselman, as chair of the Ann Arbor Taxicab Board, addressed the recent sexual assault that took place in an illegally operating taxi. He stated he has expressed concern over the years with the illegal operation in the City of limousine or rogue taxi services. He would like the ordinance amended to allow the Police to ticket these operations. Councilmember Kunselman stated the City should not have to wait for State law changes.*

**MAYOR HIEFTJE**

*Mayor Hieftje noted that he received a report from Ellen Schulmeister of the Shelter Association. She informed him that no one seeking shelter has been turned away and accommodations have been made for those under the influence of drugs or alcohol as well.*

**COUNCILMEMBER TAYLOR**

*Councilmember Taylor informed Council that the Burns Park Players latest production is at Tappan Middle School and performances continue through this weekend.*

**COMMUNICATIONS FROM THE CITY ADMINISTRATOR**

*None.*

**PH PUBLIC HEARINGS (3 MINUTES PER SPEAKER)**

**PH-1**    [12-1515](#)    An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

*A public hearing was conducted on the proposed amendment to Chapter 55, rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, located at 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01). Notice of public hearing was published January 11, 2013.*

*Andy LaBarre, Washtenaw County Commissioner, stated his hope is to minimize the increase in density. He urged Council to find a solution that was acceptable to the residents in the area.*

*AG Peeko, Forest Hills resident, stated he would like to see some portion of the property made into a community center.*

*Flo Hepola, 2404 Laurelwood, expressed concerns with the proposed density. She stated she would like to see a park on this site.*

*Claudia J. Masic, manager of Forest Hills Cooperative, spoke in opposition to the proposed rezoning.*

*Thomas Partridge, City resident, spoke about the need for more affordable housing in the City.*

*There being no further comment, the Mayor declared the hearing closed.*

**Held and Closed**

Enactment No: ORD-13-01

**COMMUNICATIONS FROM COUNCIL**

*None.*

**A APPROVAL OF COUNCIL MINUTES**

**A-1**     [13-0093](#)     Work Session of January 14, 2013; Regular Session of January 22, 2013

**A motion was made by Councilmember Kailasapathy, seconded by Councilmember Briere, that the Minutes of the Working Session of January 14, 2013 and the Regular Session of January 22, 2013 be Approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA CONSENT AGENDA**

**Passed on consent agenda**

**A motion was made by Councilmember Warpehoski, seconded by Councilmember Teall, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**

**CA-1**     [12-1679](#)     Resolution to Approve the Purchase of DCU IIs from Aclara RF Systems, Inc. (\$90,000.00)

Enactment No: R-13-032

**CA-2**     [13-0014](#)     Resolution to Approve the Renewal Agreement for Information Technology Services between the City of Ann Arbor and City of Chelsea (\$55,614.00)

Enactment No: R-13-033

**B ORDINANCES - SECOND READING**

**B-1**     [12-1515](#)     An Ordinance to Amend Chapter 55 (Zoning), Rezoning of 3.32 Acres from TWP (Township District) to R3 (Townhouse Dwelling District), Summit Townhomes, 2081 East Ellsworth (CPC Recommendation: Approval - 7 Yeas and 0 Nays) (Ordinance No. ORD-13-01)

**Councilmember Briere moved, seconded by Councilmember Kunselman, that the ordinance be Adopted at Second Reading.**

Enactment No: ORD-13-01

*Council requested that staff report back on this item, including a reconsideration by Planning for a possible reduction in zoning. Reports on the impacts of the project*

*were also requested from Parks, AAPD, Planning and the AAPS.*

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Ordinance be Postponed and returned to the City Planning Commission to review for a possible reduction in zoning. On a voice vote, the Mayor declared the motion carried.**

Enactment No: ORD-13-01

## RECESS

*Mayor Hieftje called a recess at 8:44 p.m. and reconvened the meeting at 8:57 p.m.*

## C ORDINANCES - FIRST READING

None.

## D MOTIONS AND RESOLUTIONS

### DC New Business - Council:

**DC-1**    [13-0030](#)            Resolution Authorizing Property Assessed Clean Energy (PACE) Bonds

**A motion was made by Councilmember Teall, seconded by Councilmember Briere, that the Resolution be approved.**

Enactment No: R-13-040

*Staff was requested to meet with new Councilmembers and review the PACE process with them.*

**A motion was made by Councilmember Higgins, seconded by Councilmember Briere, that the Resolution be Postponed until 2/19/2013. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-13-040

### DB New Business - Boards and Commissions:

**DB-1**    [13-0004](#)            Resolution to Approve the Distribution of the Draft Master Plan Amendment: South State Street Corridor Plan (CPC Recommendation: Approval - 7 Ayes and 0 Nays)

**A motion was made by Councilmember Briere, seconded by Councilmember Teall, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-13-034

### DS New Business - Staff:

**DS-1**    [12-1662](#)            Resolution to Approve a Professional Services Agreement with

Orchard, Hiltz & McCliment, Inc. (\$968,348.00) for the Sanitary Sewer System Flow Monitoring and Wet Weather Evaluation Project

**A motion was made by Councilmember Teall, seconded by Councilmember Higgins, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-13-035

**DS-2**    [13-0069](#)

Resolution to Approve Frequency Reconfiguration Agreement with Nextel for the Re-Banding of the 800 MHz Radio System KNIY845

**A motion was made by Councilmember Briere, seconded by Councilmember Higgins, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-13-036

**DS-3**    [13-0070](#)

Resolution to Approve Amendment No. 1 to the Interagency Agreement for Collaborative Technology and Services (IACTS) with Washtenaw County and Ann Arbor Transportation Authority

*Council requested that staff report back on other cooperatives that the City is a participant.*

**A motion was made by Councilmember Lumm, seconded by Councilmember Briere, that the Resolution be Approved. On a voice vote, the Mayor declared the motion carried.**

Enactment No: R-13-037

## **E            COMMUNICATIONS FROM THE MAYOR**

**E-1**    [13-0088](#)            Appointments & Nominations

*Mayor Hieftje requested confirmation of the following appointments that were placed on the floor for consideration at the January 22, 2013 regular session:*

*Board of Review*

*Timothy Somers (Re-Appointment)  
2944 Whittier West  
Ann Arbor, MI 48104  
Term: February 4, 2013 - February 3, 2016*

*Katherine White (Re-Appointment)  
1942 Washtenaw Avenue  
Ann Arbor, MI 48104  
Term: February 4, 2013 - February 3, 2016*

*Robert White (Re-Appointment)  
1849 Saxon Rd.  
Ann Arbor, MI 48103  
Term: February 4, 2013 - February 3, 2016*

*William Brogan (Re-Appointment)  
950 Northwood*

*Ann Arbor, MI 48103  
Term: February 4, 2013 - February 3, 2016*

*Commission on Disability Issues*

*Barbara Levin Bergman (Filling vacancy)  
2045 Geddes Ave.  
Ann Arbor, MI 48104  
Term: February 4, 2013 - February 3, 2016*

*Employees' Retirement System Board of Trustees*

*Alexa Nerdrum (Re-Appointment)  
3176 Lakewood Dr.  
Ann Arbor, MI 48103  
Term: February 4, 2013 - February 3, 2016*

*Zoning Board of Appeals*

*Candice Briere (Re-Appointment)  
3029 Forest Creek Court  
Ann Arbor, MI 48108  
Term: February 4, 2013 - February 3, 2016*

**A motion was made by Councilmember Briere, seconded by Councilmember Petersen, that the Appointments be Approved. On a voice vote, the Mayor declared the motion carried.**

**E-2**     [13-0123](#)

**Appointments & Nominations**

*Mayor Hieftje placed the following nominations on the table for approval at a later date:*

*Board of Review*

*Elizabeth Leidy Arsenault (filling vacancy left by Paul Herndon)  
1509 Granger  
Ann Arbor, MI 48104  
Term: February 19, 2012-February 5, 2015*

*Taxicab Board*

*Tom Oldakowski (Re-Appointment)  
404 W. Davis  
Ann Arbor, MI 48103  
Term: February 19, 2013-February 18, 2016*

**Referred to the City Council due back on 2/19/2013**

**COMMUNICATIONS FROM COUNCIL**

*None.*

**F            WRITTEN COMMUNICATIONS FROM THE CITY ADMINISTRATOR**



- F-1**     [13-0094](#)            Report on Street Millage Funded Projects in 2012  
  
  **Received and Filed**
- F-2**     [13-0096](#)            Ann Arbor DDA Financial Audit for the Fiscal Year Ending June 30, 2012  
  
  **Received and Filed**
- F-3**     [13-0120](#)            2013 Road Construction Projects  
  
  **Received and Filed**
- G**           **COMMUNICATIONS FROM THE CITY ATTORNEY**
- H & I**       **CLERK'S REPORT OF COMMUNICATIONS, PETITIONS AND REFERRALS**
- H**           **The following communications were referred as indicated:**
- Passed on consent agenda**
- A motion was made by Councilmember Teall, seconded by Councilmember Warpehoski, that the following Consent Items be approved as presented. On a voice vote, the Mayor declared the motion carried.**
- H-1**     [13-0010](#)            Farmers Market Operating Rules - Proposed Change to Vendor Application Annual Procedures
- H-2**     [13-0056](#)            Communication from Comcast regarding changes to their channel lineup - CTN
- H-3**     [13-0066](#)            Comprehensive Annual Financial Report and the Single Audit for the Fiscal Year Ending June 30, 2012
- H-4**     [13-0081](#)            Communication from Design Review Board regarding Design Review Process Report
- H-5**     [13-0053](#)            Communication from the State of Michigan Public Service Commission regarding Notice of hearing for Electric Customers of the Detroit Edison Company in Case No. U-17054 scheduled for January 24, 2013 - File
- I**           **The following minutes were received for filing:**
- I-1**     [12-1529](#)            City Planning Commission Meeting Minutes of November 7, 2012
- I-2**     [12-1578](#)            Historic District Commission Meeting Minutes of the October 11, 2012

- I-3     [12-1579](#)     Historic District Commission Meeting Minutes of the November 15, 2012
- I-4     [12-1627](#)     Council Liquor License Review Committee Meeting Minutes - October 19, 2012
- I-5     [13-0031](#)     Ann Arbor Commission on Disabilities Meeting Minutes of October 17, 2012
- I-6     [13-0032](#)     Human Rights Commission Meeting Minutes of November 14, 2012
- I-7     [13-0034](#)     Ann Arbor Downtown Development Authority Meeting Minutes - December 5, 2012
- I-8     [13-0035](#)     Downtown Area Citizens Advisory Council Meeting Minutes - January 8, 2013
- I-9     [13-0074](#)     Ann Arbor Public Art Commission Meeting Minutes - October 2012 and November 2012
- I-10    [13-0084](#)     City of Ann Arbor Employees' Retirement System - Minutes for the Regular Meeting of December 20, 2012
- I-11    [13-0085](#)     City of Ann Arbor Retiree Health Care Benefit Plan & Trust Board of Trustees - Minutes for the Regular Board Meeting of December 20, 2012
- I-12    [13-0089](#)     Ann Arbor Commission on Disabilities Meeting Minutes of December 19, 2012

**PUBLIC COMMENT - GENERAL (3 MINUTES EACH)**

*Thomas Partridge, City resident, addressed Council regarding Democratic issues.*

**CLOSED SESSION UNDER THE MICHIGAN OPEN MEETINGS ACT, INCLUDING BUT NOT LIMITED TO, LABOR NEGOTIATIONS STRATEGY, PENDING LITIGATION, AND ATTORNEY/CLIENT PRIVILEGED COMMUNICATIONS SET FORTH OR INCORPORATED IN MCLA 15.268 (C), (E), AND (H).**

A motion was made by Councilmember Taylor, seconded by Councilmember Kunselman, that the Council enter into Closed Session under MCLA 15.268 (d), the purchase or lease of real property. On a roll call, the vote was as follows with the Mayor declaring the motion carried and the meeting recessed at 9:26 p.m.:

**Yeas:** 11 - Mayor Hieftje, Councilmember Kunselman, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Taylor, Councilmember Lumm, Councilmember Kailasapathy, Councilmember Petersen and Councilmember Warpehoski

Nays: 0

#### **MEETING RECONVENED**

A motion was made by Councilmember Taylor, seconded by Councilmember Lumm, that the meeting reconvene in Open Session. On a voice vote, the Mayor declared the motion carried and the meeting reconvened at 9:45 p.m.

#### **ADJOURNMENT**

A motion was made by Councilmember Warpehoski, seconded by Councilmember Taylor, that the meeting Adjourn. On a voice vote, the Mayor declared the motion carried and the meeting adjourned at 9:45 p.m.

#### **COMMUNITY TELEVISION NETWORK (CTN) CABLE CHANNEL 16:**

**LIVE: MONDAY, FEBRUARY 4, 2013, 7:00 P.M.**

**REPLAYS: TUESDAY, FEBRUARY 5, 2013, 10:00 A.M. AND FRIDAY, FEBRUARY 8, 2013, 7:30 P.M.**

#### **REPLAYS SUBJECT TO CHANGE WITHOUT NOTICE**

Community Television Network Channel 16 live televised public meetings are also available to watch live online from CTN's website, [www.a2gov.org/ctn](http://www.a2gov.org/ctn), on "The Meeting Place" page (<http://www.a2gov.org/livemeetings>).

Live Web streaming is one more way, in addition to these listed below, to stay in touch with Ann Arbor City Council and board and commission actions and deliberations.

- Video on Demand: Replay public meetings at your convenience online at [www.a2gov.org/government/city\\_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx](http://www.a2gov.org/government/city_administration/communicationsoffice/ctn/Pages/VideoOnDemand.aspx)
- Cable: Watch CTN Channel 16 public meeting programming via Comcast Cable channel 16.

Persons with disabilities are encouraged to participate. Accommodations, including sign language interpreters, may be arranged by contacting the City Clerk's Office by telephone at 734-794-6140 or by written request addressed to the City Clerk's Office, 301 E. Huron Street, Ann Arbor, MI 48104, at least 24 hours in advance.

A hard copy of this Council packet can be viewed at the front counter of the City Clerk's office.

**Jacqueline Beaudry**  
Clerk of the Council

**Anissa R. Bowden**  
Recording Secretary